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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench

CIVIL REVISION NO. 155 /2003

APPLICANTS

- 1) Mobarak Ansari, son of Shri Karman Ansari, aged about 65 years,
- 2) Smt. Bano Bibi, wife of Shri Mobarak Ansari, aged about 55 years.
- 3) Jumman Ansari, son of Shri Nanka alias Ali Hasan, aged about 1 year and 6 months.

Sl.No. 3 (Minor), through his natural guardian father - Applicant No.1.

All are Musalman by caste and residence of village - Rajakatel, police station Lakhanpur, Distt. Surguja (Chhattisgarh).

VERSUS

RESPONDENTS

- 1) Manoj Kumar Agrawal, son of Shri Mahaveer Agrawal, resident of village- Juna Lakhanpur, Near Bus Stand Lakhanpur, P.S. Lakhanpur, Tah. Ambikapur, Distt. Surguja (Chhattisgarh).
- 2) United India Insurance Company Limited, Behind Ram Mandir, Ambikapur, Distt. Surguja (Chhattisgarh).

P. R. No. 312/03
Presented by Shri. Subodh Subey
dated 16.04.03

Subodh Subey

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CIVIL REVISION UNDER SECTION 115 OF THE CODE OF
CIVIL PROCEDURE, 1908.

Being aggrieved by the judgement dated 8.1.2002

आदेश पत्रक

मामला क्रमांक

C.R. No. 155/03

सन् 200

(12)

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>5/7/2003</u> Shri Sushil Dubey for the applicants. Shri Prashant Jayaswal for non-applicant no.2. Heard. Learned counsel for the applicants submits that applicant no.1 has died. He wants to delete the name of applicant no.1 from the array of parties. He has filed an application for the purpose. The application is not opposed. It is allowed. The name of applicant no.1 be deleted from the array of parties. Learned counsel for the applicants submits that the amount of award has been deposited in the Nationalized Bank in fixed deposit by the Insurance Company, as directed vide the impugned award. He further submits that even no fault liability amount was not been paid and it was deposited. He also submits that applicant no. 2, who is natural guardian of applicant no.3 (minor), wants to purchase agricultural land for him and for that purpose she had a talk with persons and	

[पीछे देखिये]

आदेश पत्रक

C.R.No. 155/03

(13)

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	the negotiations are going on for purchasing the land for the sum of Rs.1,00,000/-. Applicant no. 2 prays for withdrawal of the amount. He also submits that for that purpose, applicant no. 2 is ready and willing to submit the agreement/document of sale. Learned counsel relied upon the judgment of the Apex Court in the case of <u>General Manager, Kerala State Road Transport Corporation vs. Susamma Thomas and others</u> reported in <u>1994 ACJ 1</u>, espccially para 17 of the judgment. Clause (ii) of para 17 of the aforesaid judgment is relevant, which reads as under : “17.(ii) In the case of illiterate claimants also, the Claims Tribunal should follow the procedure set out in (i) above, but if lump sum payment is required for effecting purchases of any movable and immovable property, such as, agricultural implements, rickshaw, etc., to earn a living, the Tribunal may consider such a request after making sure that the amount is actually spent for the purpose and the demand is not a rogue to withdraw money.”	

[पीछे देखिये]

आदेश पत्रक

C.R.No. 155/03

मामला क्रमांक

सन् 200

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विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Learned counsel further relied upon the judgment of Apex Court in the case of <u>Lilaben Udesing Gohel vs. Oriental Insurance Co. Ltd. and others</u> reported in <u>1996 ACJ 673</u>, especially para 17 of the judgment. Relevant portion of para 17 of the aforesaid judgment is quoted below : “The very purpose of laying down the guidelines was to ensure the safety of the amount so that the claimants do not become victims of unscrupulous persons and unethical agreements or arrangement. We do hope our anxiety to protect the claimants from exploitation by such elements will be equally shared by the courts/Tribunals.” Having considered the facts and circumstances of the case and material on record and in view of the aforesaid judgments, it is directed that an amount of Rs.50,000/- be allowed to be withdrawn by the applicant no. 2 for purchasing the land for applicant no. 3 and the required balance amount	

[पीछे देखिये]

आदेश पत्रक

C.R. No. 155/03

मामला क्रमांक

सन् 200

(15)

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 4 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	may be allowed to be withdrawn only after submitting the agreement/document, of sale. With the aforesaid observations, this revision stands disposed of. Consequently, I.A. No.4162/03 for urgent hearing stands disposed of.	Sd/- Fakhruddin Judge

HL